

## FISCAL NOTE

### SB 2 - HB 3

December 6, 2004

**SUMMARY OF BILL:** Provides that it is unfair or deceptive act or practice under the *Tennessee Consumer Protection Act of 1977* for any manufacturer, distributor, supplier or health care provider to charge a price grossly above normal for a vaccination or inoculation during a time of medical emergency that is proclaimed by the Commissioner of the Department of Health. A violation is punishable through civil penalties, private right of action, and as a Class B misdemeanor.

### ESTIMATED FISCAL IMPACT:

**Increase State Revenues – Not Significant**

**Increase State Expenditures – Not Significant**

**Increase Local Govt. Revenues – Not Significant**

**Increase Local Govt. Expenditures – Not Significant**

#### Assumptions:

- any increase in state revenues from the collection of civil penalties is estimated to be not significant.
- any increase in state expenditures to investigate and prosecute complaints generated by the provisions of this bill is estimated to be not significant.
- any costs associated with the promulgation of rules or implementation of this bill can be handled within existing resources of the Department of Health.
- local impact depends upon the number of persons convicted of this offense and the resulting increased cost to local governments to confine such persons versus the increased revenues to local governments from fines levied and collected under the provisions of this bill.
- some increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenues from fees, taxes, and costs collected. However, such increases will not be significant.
- civil remedy is not exclusive. Enforcement through criminal prosecution is available in the same manner as other violations of the Tennessee Consumer Protection Act of 1977.

### CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director